

**Ch. 647      67th LEGISLATURE—REGULAR SESSION**

three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 22, 1981, by a non-record vote; passed by the Senate on May 31, 1981: Yeas 31, Nays 0.

Approved June 15, 1981.

Effective Sept. 1, 1981.

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**BOILERS—REGULATION AND INSPECTION**

**CHAPTER 648**

**H. B. No. 2188**

**An Act relating to the regulation and inspection of boilers.**

*Be it enacted by the Legislature of the State of Texas:*

Section 1. Section 2, Chapter 436, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 5221c, Vernon's Texas Civil Statutes), is amended<sup>39</sup> to read as follows:

Sec. 2. Unless otherwise specifically exempted in this Act, all boilers operated within the State shall be registered with the Department of Labor and Standards. In addition, such boilers shall not be operated unless they have satisfactorily passed a Certificate Inspection and have qualified for a Certificate of Operation. The Certificate of Operation shall remain in full force and effect until expiration unless cancelled for cause by the Commissioner and shall be placed under glass in a conspicuous place on or near the boiler for which it is issued. No prosecution shall be maintained where the issuance of or the renewal of such Certificate of Operation shall have been requested and shall remain unacted upon. However, if the operation of such boiler without a Certificate of Operation shall constitute a serious menace to the life and safety of any person or persons in or about the premises, the Commissioner, as hereinafter provided for, shall apply to the District Court in a suit brought by either the Attorney General of the State, or any District or County Attorney, in the county in which such boiler is located, for an injunction restraining the operation of said boiler until the unsafe condition restraining its use shall be corrected and a Certificate of Operation issued. In all such cases it shall not be necessary for the attorney bringing the suit to verify the pleadings or for the State to execute a bond as a condition precedent to the issuing of any injunction or restraining order hereunder. The affidavit of the Commissioner that no application for or no Certificate of Operation exists for such boiler, and the affidavit of the Chief Inspector or any Deputy Inspector that its operation constitutes a menace to the life and safety of any person or persons in or about the premises, shall be sufficient proof to warrant the immediate granting of a temporary restraining order. The Commissioner may revoke any Certificate of Operation issued for a boiler within this State after good cause is shown and after notice and opportunity for a hearing on the revocation.

39. Vernon's Ann.Civ.St. art. 5221c, § 2.

Sec. 2. Section 4a, Chapter 436, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 5221c, Vernon's Texas Civil Statutes), is amended <sup>40</sup> to read as follows:

Sec. 4a. Upon the approval of the Commissioner and the inspection agency having jurisdiction, the interval between internal inspections may be extended to a period not to exceed twenty-four (24) months for power boilers and forty-eight (48) months for waste heat boilers and for other unfired steam boilers using heat resulting from the operation of a process system, the interval may be extended to the next scheduled down time, but not to exceed 60 months provided: (1) continuous water treatment under competent and experienced supervision has been in effect since the last internal inspection for the purpose of controlling and limiting corrosion and deposits; (2) accurate and complete records are available showing that since the last internal inspection samples of boiler water have been taken or monitored at regular intervals not greater than twenty-four (24) hours of operation and that the water condition in the boiler is satisfactorily controlled; (3) accurate and complete records are available showing the dates such boiler has been out of service and the reasons therefor since the last internal inspection, and such records shall include the nature of all repairs to the boiler, the reasons why such repairs were made; and (4) the last internal and current external inspection of the boiler indicates the inspection period may be safely extended. The Commissioner and inspection agency having jurisdiction may grant an additional extension for up to one hundred twenty (120) days to the inspection interval covered by the Certificate of Operation on receipt of a request stating that an emergency exists. However, before an extension is allowed, the Authorized Inspector shall make an external inspection and items (1) through (4) of this Section must be complied with. When such an extended period between internal inspections has been approved by the Commissioner and the inspection agency having jurisdiction, as outlined in this Section, a new Certificate of Operation shall be issued for that extended period of operation.

Sec. 3. Section 10, Chapter 436, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 5221c, Vernon's Texas Civil Statutes), is amended <sup>41</sup> to read as follows:

Sec. 10. The Commissioner may cause the inspection provided for in this Act to be made either by the Chief Inspector, a Deputy Inspector, or an Authorized Inspector. However, Authorized Inspectors shall be continuously employed by an insurance company and shall first obtain from the Commissioner a Texas commission as an inspector of boilers. The Commissioner is vested with full power and authority to determine the qualifications (by written examination) of any applicant seeking a commission as inspector. The Commissioner may accept, after proper investigation, the commission issued to an inspector by any other jurisdictional authority having a written examination equal to that of the State of Texas. The Commissioner may rescind for good cause, any Texas commission issued to any person.

Sec. 4. This Act takes effect September 1, 1981.

Sec. 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on

40. Vernon's Ann.Civ.St. art. 5221c, § 4a.

41. Vernon's Ann.Civ.St. art. 5221c, § 10.

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**BAYTOWN AREA WATER AUTHORITY—SALES OUTSIDE  
BOUNDARIES AND CONTRACTS WITH POLITICAL  
SUBDIVISIONS**

**CHAPTER 649**

**H. B. No. 2195**

**An Act relating to the authority of the Baytown Area Water Authority to sell water outside its boundaries and to contract with political subdivisions.**

*Be it enacted by the Legislature of the State of Texas:*

Section 1. Subsections B and C, Section 5, Chapter 600, Acts of the 63rd Legislature, Regular Session, 1973, are amended <sup>42</sup> to read as follows:

B. Not by way of limitation, the authority shall have and is hereby expressly granted the following rights, powers, privileges and functions:

(1) The right, power and authority to acquire surface and/or underground water supplies from sources both within and without the boundaries of the authority and to conserve, store, transport, treat, purify, distribute, sell and deliver water, both surface and underground, to persons, corporations (public or private), municipal corporations, political subdivisions of the State of Texas, and others, within and without the boundaries of the authority;

(2) The right, power and authority to collect and transport the domestic, industrial or communal wastes of the entities described in the preceding subsection, to include, but not by way of limitation, the purposes of the Regional Waste Disposal Act (Chapter 25, Title 2, Water Code);

(3) The right, power and authority to make, purchase, construct, lease or otherwise acquire property, works, facilities and improvements (whether previously existing or to be made, constructed or acquired), within or without the boundaries of the authority, necessary to carry out the rights, powers and authority granted by this Act and the general laws;

(4) The right, power and authority to enter into contracts of not exceeding forty (40) years duration with persons, corporations (public or private), municipal corporations, including the City of Baytown, political subdivisions of the State of Texas, and others, on such terms and conditions as the board of directors of the authority may deem desirable, fair and advantageous for the performance of its rights, powers and authori-

<sup>42</sup>. V.A.T.S. Water Auxiliary Laws, Table  
III.